

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH D. SEWELL,)	
)	Civil Action No. 04-85E
Plaintiff,)	
)	Magistrate Judge Baxter
vs.)	
)	
)	Electronically Filed
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

**MOTION FOR EXTENSION OF TIME TO
FILE MOTION FOR SUMMARY JUDGMENT OR PRETRIAL STATEMENT**

AND NOW, comes Defendant, United States of America, by and through its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Lee J. Karl, Assistant United States Attorney for the same District, and pursuant to Federal Rule of Civil Procedure 6(b), respectfully moves the Court to issue an Order permitting Defendant to file its Motion for Summary Judgment or Pretrial Statement three (3) weeks after Plaintiff files his Pretrial Statement, and in support thereof avers as follows:

1. Pursuant to the Court's July 14, 2005 Case Management Order, Plaintiff was to file his Pretrial Statement on or before November 1, 2005, and Defendant would then have three weeks, until November 21, 2005, to file its Motion for Summary Judgment or Pretrial Statement.

2. Plaintiff missed his November 1, 2005 filing deadline and, on November 8, 2005, the Court issued an Order to Show Cause why Plaintiff missed his deadline. The Court granted Plaintiff until November 15, 2005 to respond to the Show Cause Order.

3. On November 16, 2005, Defendant received "Plaintiff's Show Cause Response."

4. Plaintiff, however, has still not filed his Pretrial Statement as instructed by the Court's July 14, 2005 and November 8, 2005 Orders.

5. Given that Plaintiff has yet to file a Pretrial Statement, Defendant respectfully requests the Court to grant Defendant an extension to file its Motion for Summary Judgment or Pretrial Statement until three (3) weeks after Plaintiff files his Pretrial Statement, as contemplated by the Court's original Case Management Order.

6. If and when Plaintiff files his Pretrial Statement, Defendant will need time to evaluate Plaintiff's case and fashion an appropriate response. Defendant's decision to file a Motion for Summary Judgment will depend largely on the contents of Plaintiff's Pretrial Statement.

7. Defendant also moves for an extension based on the fact that the litigation demands currently being handled by Defendant will prevent Defendant from being able to file a Motion by November 21, 2005.

WHEREFORE, Defendant, United States of America, respectfully requests that the Court issue an Order permitting Defendant to file its Motion for Summary Judgment or Pretrial Statement three (3) weeks after Defendant files his Pretrial Statement.

Dated: November 17, 2005

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Lee J. Karl

Lee J. Karl
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2005, a true and correct copy of the within Motion for Extension of Time was served via first-class U.S. mail upon the following:

Keith D. Sewell
Reg. No. 10042-055
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

s/ Lee J. Karl _____
Lee J. Karl
Assistant U.S. Attorney